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## FREEDOM IN THE WORLD

28

## Venezuela

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## TREND ARROW:

Venezuela received a downward trend arrow due to an increase in the selective enforcement of laws and regulations against the opposition in order to minimize its role as a check on government power.

## OVERVIEW:

President Hugo Chávez died of cancer in March 2013 after 14 years in power that left Venezuela sharply divided. To his supporters, Chávez's social initiatives and stirring rhetoric offered millions of formerly marginalized citizens unprecedented voice, political power, and concrete living improvements. To his detractors, his authoritarian tactics led to the replacement of liberal democracy with a quasi-socialist, personality-based state in which the lack of any institutional checks on executive power caused increasing economic, social, and political dysfunction, as well as frequent abuses of Venezuelans' political rights and civil liberties.

An election to replace Chávez, who had just been reelected in 2012, took place in April. His vice president and anointed successor, Nicolás Maduro, narrowly defeated opposition leader Henrique Capriles amid opposition claims of irregularities. Protests in the election's immediate aftermath left nine people dead and hundreds injured, with each side claiming that the other's supporters were responsible for, or misrepresenting the extent of, the violence. Maduro's victory was eventually confirmed by the Chavista-dominated electoral commission and courts.

Although early analyses had suggested that Maduro might prove more pragmatic than Chávez, he and his allies repeatedly used polarizing rhetoric—including scores of accusations that the opposition was conspiring with the United States and other foreign actors to sabotage the economy and stage a coup—and took actions aimed at weakening the opposition. A brawl in the National Assembly in late April left several opposition members injured, with most observers identifying Chavista legislators as the instigators. In May, opposition deputy Richard Mardo was stripped of his seat following money-laundering allegations that the opposition denounced as

## 2014 SCORES

STATUS

Partly Free

FREEDOM RATING  
(1 = BEST, 7 = WORST)

5.0

CIVIL LIBERTIES  
(1 = BEST, 7 = WORST)

5

POLITICAL RIGHTS  
(1 = BEST, 7 = WORST)

5

absurd.

Government policy following the election focused on attempts to stabilize the economy, which suffered from fiscal and monetary stresses—especially a mismanaged exchange-rate regime—that generated widespread shortages of consumer goods and the hemisphere's highest inflation rate. Other domestic policy initiatives included the deployment of the military to contain one of the world's highest crime rates and an anticorruption campaign that resulted in the arrest of several mid-level Chavista figures but no high-ranking officials.

As December local elections approached, Maduro declared that “speculators” were charging illegally high prices, leading to a series of arrests. He also sent the National Guard to occupy electronics stores and enforce lower prices, setting off a buying frenzy. In November, the National Assembly ousted another opposition member, María Mercedes Aranguren, over corruption charges, giving the government the three-fifths majority needed to pass a bill providing Maduro with decree power on economic issues.

The December local elections resulted in a decisive victory for Chavismo, with government-backed candidates taking nearly 55 percent of the vote and over 75 percent of the mayoralties.

Relations with the United States, which is one of the primary customers for Venezuelan oil but has lacked an ambassador in Caracas since 2010, fluctuated during the year. Washington was slower than Latin American states to recognize Maduro's presidential victory, but there were some early signs of détente, most prominently a handshake between Foreign Minister Elías Jaua and Secretary of State John Kerry in June. Relations subsequently deteriorated, however, and in late September Maduro ordered the expulsion of three U.S. embassy officials for allegedly scheming with the opposition to sabotage the Venezuelan economy. More broadly, the ongoing bilateral friction was attributable to Venezuela's long-standing aspirations to regional leadership as well as its history of rhetorical support for and economic cooperation with Cuba, Iran, Syria, and other authoritarian states. Venezuela formally withdrew from the American Convention on Human Rights in September 2013, a year after announcing plans for the move in response to a series of decisions against it at the Inter-American Court of Human Rights.

## POLITICAL RIGHTS AND CIVIL LIBERTIES:

### **Political Rights:** 14 / 40 (-1) [Key]

#### **A. Electoral Process:** 5 / 12

While the act of voting is relatively free and the count is generally considered fair, the political playing field favors government-backed candidates, and the separation of powers is virtually nonexistent.

The president serves six-year terms, and both he and other elected officials are, since 2009, not subject to term limits. Ahead of the April 2013 election, two controversial rulings by the Supreme Tribunal of Justice (TSJ) favored Maduro: One allowed him to take over the presidency

from the late Chávez despite a plausible constitutional argument that National Assembly head Diosdado Cabello was the legal successor, while the other allowed Maduro to remain in the presidency rather than temporarily step down during the campaign period. Maduro won the election by a razor-thin margin, 50.6 percent to 49.1 percent, following a brief, lackluster campaign that nonetheless produced turnout of nearly 80 percent.

The opposition denounced the results, accusing the government of multiple violations, including election-day abuses and the rampant misuse of state resources during the campaign. The opposition specifically complained that its witnesses were ejected from multiple voting centers, and that the CNE failed to protect against ballot fraud. Maduro was officially declared the winner by the Chavista-dominated National Electoral Commission (CNE), but the opposition refused to accept the outcome's legitimacy and pursued several avenues of redress, including requests for a detailed cross-check of votes, signatures, and fingerprints by the CNE and the annulment of a significant portion of the results by the similarly progovernment TSJ. Neither forum accepted the opposition's arguments. The CNE's limited audit revealed few discrepancies, while the TSJ rejected the opposition's cases in August, thereby concluding the electoral process.

The unicameral, 165-seat National Assembly is popularly elected for five-year terms. In the run-up to the 2010 legislative elections, the ruling Unified Socialist Party of Venezuela (PSUV) benefited from significant exposure on state-run media and pressure on public employees and neighborhood groups. The opposition, grouped together as the Democratic Unity Roundtable (MUD), took more than 47 percent of the vote, the PSUV captured 48 percent, and the opposition-leaning Fatherland for All (PPT) party obtained over 3 percent. Due to electoral rules revised in 2009, however, PSUV candidates secured 98 of the 165 seats, MUD candidates took 65, and the PPT won the remaining two. The ruling party's legislative majority has acted as a reliable rubber stamp for the executive, and Chávez's control of the 2006–10 assembly allowed him to curb the already tenuous independence of institutions including the judiciary, the intelligence services, and the Citizen Power branch of government, which was created by the 1999 constitution to fight corruption and protect citizens' rights. The 2011–15 assembly features a much larger opposition presence, but it has been unable to check government power. The legislature has voted to hand the president wide-ranging decree powers several times in recent years.

The opposition's attempt to use the December 2013 local elections as a referendum on the Maduro administration backfired when Chavista candidates won 5.7 million votes, to 4.6 million for opposition-backed candidates. Although the opposition won the mayoral races in most of Venezuela's largest cities, Chavista candidates won nearly 260 of the 335 races in total. The central government has stripped opposition-led municipalities of responsibilities and resources in recent years, leaving those officials with a reduced governance role.

In all recent elections, the CNE has failed to limit the use of state resources by the PSUV. The promotion of social and infrastructure projects often blurs the line between PSUV candidates' official roles and their electoral

campaigns. Public employees are subjected to heavy pressure to support the government, and state vehicles are frequently used to transport supporters to rallies and voting sites.

Ballot secrecy has long been a source of controversy. After a failed 2004 presidential recall referendum, tens of thousands of people who had signed petitions in favor of the effort found that they could not get government jobs or contracts, or qualify for public assistance programs; they had apparently been placed on a blacklist of Chávez's alleged political opponents.

#### **B. Political Pluralism and Participation: 7 / 16 (-1)**

The merger of government-aligned parties into the PSUV that began in 2007 is largely complete, though several groups retain nominal independence. PSUV leaders are generally selected by the president, rather than through internal elections, a pattern that continued during the selection of candidates for the 2013 local elections.

In 2009, opposition parties established the MUD, which selected unity candidates—in part via primaries—for the 2010 parliamentary and 2012 presidential elections. Opposition leadership in some states and localities has been blunted in recent years by laws allowing the national government to cut budgets and strip important functions from subnational administrations. Primaries for some of the opposition's 2013 local election candidates were held in early 2012, while other candidates were chosen by consensus.

Rather than stimulating pluralistic policymaking, the opposition's sizable presence in the National Assembly has resulted in a new forum for polarized and occasionally violent partisan confrontation. Two opposition members were stripped of their seats in 2013 despite a lack of formal charges against them. The government's majority ensures that the opposition is denied any meaningful opportunity to play a role in proposing and debating legislation and monitoring government operations.

#### **C. Functioning of Government: 2 / 12**

The government plays a major role in the economy and has created regulatory restrictions that increase opportunities for corruption, particularly via the selective disbursement of scarce U.S. dollars at the greatly distorted official exchange rate. Several large development funds are controlled by the executive branch without independent oversight. The largest, the National Development Fund (FONDEN), has received over \$100 billion since 2005 and provides half of Venezuela's public investment, with no legislative examination of its many large-scale, unproductive allocations. The government's strong reliance on oil revenue to pay for services and distribute welfare benefits increases the probability that falling oil income will affect political stability.

Anticorruption efforts have been a low government priority, and the lack of state transparency makes citizen investigation and exposure of corruption difficult. The creation in September 2013 of a new body, the Strategic Center for Security and Protection of the Homeland (CESPPA), threatened to produce further restrictions on

transparency, given the extensive classification and censorship powers included in the agency's mandate. Maduro's announcement of an anticorruption campaign in May was followed by several arrests in June and July, including of managers in several state-owned enterprises. Corruption scandals continued to emerge, however, including the revelation of tens of millions of dollars in fraud at the Sports Ministry in October. Venezuela was ranked 160 out of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index.

## **Civil Liberties: 24 / 60**

### **D. Freedom of Expression and Belief: 8 / 16 (-1)**

Although the constitution provides for freedom of the press, the media climate is permeated by intimidation, sometimes including physical attacks, and strong antimedia rhetoric by the government is common. The 2004 Law on Social Responsibility of Radio and Television gives the government the authority to control radio and television content. Opposition-oriented outlets make up a large portion of the print media, but their share of the broadcast media has declined in recent years, in part due to closures by regulators and other forms of official pressure, such as selective exchange-rate controls. Coverage of election campaigns by state media has been overwhelmingly biased in favor of the government; private outlets have also exhibited bias, though to a somewhat lesser degree.

Local press watchdog Public Space registered 219 press violations during the year, including a large number of arbitrary detentions and acts of aggression against reporters covering social problems such as prison riots and food lines. Two U.S. journalists were among those detained in 2013. One, *Miami Herald* correspondent Jim Wyss, was held by the military for several days in November while investigating cross-border smuggling into Colombia. Shortages of newsprint forced several papers to suspend publication. The sale of the markedly pro-opposition television station Globovisión to new owners was announced in March. While the new management took initial steps to assuage opposition fears that the station would join the progovernment media, by late May several prominent opposition and independent voices had left the channel and complained about a lack of editorial independence.

The government does not restrict internet access, but in 2007 it nationalized the dominant telephone company, CANTV, giving the authorities a potential tool to hinder access. During the 2013 election CANTV shut down broadband access for approximately 30 minutes, ostensibly to assist a government investigation of hacking attempts against officials' Twitter microblog accounts. A law passed during the December 2010 lame-duck legislative session extended the 2004 broadcasting law's restrictions to the internet. In recent years, dozens of prominent opposition activists and journalists have found that their Twitter accounts had been hacked and used to disseminate antiopposition messages.

Constitutional guarantees of religious freedom are generally respected, though government tensions with

the Roman Catholic Church remain high. Government relations with the small Jewish community have also been strained at times.

Academic freedom came under mounting pressure during Chávez's tenure, and a school curriculum developed by his government emphasizes socialist concepts. A 2008 Organic Education Law included ambiguities that could lead to restrictions on private education and increased control by the government and communal councils. In universities, elections for student associations and administration positions have become more politicized, and rival groups of students have clashed repeatedly over both academic and political matters.

Freedom of private discussion suffered during 2013 due to a series of releases of illegally recorded conversations of prominent Venezuelans—including hard-line Chavista television host Mario Silva and opposition leader María Corina Machado—as well as increased fear regarding the economic repercussions, such as loss of employment, resulting from criticism of the government.

#### **E. Associational and Organizational Rights: 4 / 12**

Freedom of peaceful assembly is guaranteed in the constitution. However, the right to protest has become a sensitive topic in recent years, and rights groups have criticized legal amendments that make it easier to charge protesters with serious crimes. Workers, particularly employees of state-owned enterprises, are the most frequent demonstrators, followed by citizens protesting poor delivery of public services and high crime rates. Although most protests are permitted and occur without incident, Maduro barred the opposition from holding a march in downtown Caracas a few days after the April 2013 election.

Nongovernmental organizations (NGOs) are also frequent antagonists of the government, which has sought to undermine the legitimacy of human rights and other civil society groups by questioning their international ties. In December 2010, the lame-duck parliament passed the Law on Political Sovereignty and National Self-Determination, which threatens sanctions against any "political organization" that receives foreign funding or hosts foreign visitors who criticize the government. Dozens of civil society activists have been physically attacked in recent years, and other forms of harassment are common, including bureaucratic hurdles to registration. In October 2013 the National Assembly created a commission charged with investigating NGOs that were allegedly receiving foreign financing with the intent of plotting to undermine the government.

Workers are legally entitled to form unions, bargain collectively, and strike, with some restrictions on public-sector workers' ability to strike. Control of unions has shifted from traditional opposition-allied labor leaders to new workers' organizations that are often aligned with the government. The growing competition has contributed to a substantial increase in labor violence as well as confusion during industrywide collective bargaining. Labor strife has also risen due to the addition of thousands of employees of nationalized companies to the state payroll, and the government's failure to implement new collective-bargaining agreements. In

2013 rights groups accused the government of firing opposition sympathizers from jobs in state-owned enterprises following the April election.

#### **F. Rule of Law: 4 / 16**

Politicization of the judicial branch increased dramatically under Chávez, and high courts generally do not rule against the government. Conviction rates remain low, the public defender system is underfunded, and nearly half of all judges and prosecutors lack tenure, undermining their autonomy. The National Assembly has the authority to remove and appoint judges to the TSJ, which controls the rest of the judiciary. In December 2010 the outgoing legislature appointed nine new TSJ judges who are generally viewed as friendly to the government. In April 2012 a fired and exiled TSJ judge, Eladio Aponte, accused administration officials of instructing judges on how to rule in sensitive cases. Judge María Lourdes Afiuni was released from house arrest in June 2013, though her trial on corruption charges was ongoing at year's end. She was arrested in 2009 after angering the government by ordering the release of a prominent banker who had been held without conviction for more than the maximum of two years.

Venezuela's murder rate is among the world's highest. The nongovernmental Venezuelan Violence Observatory cited at least 24,700 murders in 2013, a figure that represents a rate of approximately 79 homicides per 100,000 citizens. The government claimed a figure of 39 murders per 100,000, but offered no further details. The police and military have been prone to corruption, widespread arbitrary detention and torture of suspects, and extrajudicial killings. In 2009, the justice minister admitted that police were involved in up to 20 percent of crimes; few officers are convicted, partly due to a shortage of prosecutors. Several anticrime initiatives formulated during Chávez's second term received praise from policy analysts and rights groups, but a continued rise in violence prompted Maduro to deploy National Guard forces to the streets in May 2013, leading the same observers to decry the trend toward militarization. Prison conditions in Venezuela remain among the worst in the Americas. The NGO Venezuelan Prison Observatory reported 289 violent deaths within prison walls in the first six months of 2013, including at least 61 during a massive riot in January at a prison in Barquisimeto.

Following a short-lived military coup in 2002, Chávez began to purge the military of unsympathetic officers, politicize those who remained, and heighten military participation in the delivery of public services. Military officials, many of them in active service, occupy top positions in several government ministries, and the armed forces perform routine government duties, blurring the lines between civilian and military functions. Foreign officials assert that the military has adopted a permissive attitude toward drug trafficking, as evidenced by the confiscation of over one ton of cocaine on an Air France flight arriving in Paris from Caracas in September 2013. Eight members of the National Guard, which is tasked with airport security, were arrested. In recent years, the division of responsibility between the military and civilian militias has become less clear, and informal progovernment groups have carried out attacks on press

outlets and, occasionally, individual journalists and opposition supporters.

The formal and constitutional rights of indigenous people, who make up about 2 percent of the population, improved under Chávez, though such rights are seldom enforced by local authorities. The constitution reserves three seats in the National Assembly for indigenous people. Indigenous communities trying to defend their land rights are subject to abuses, particularly along the Colombian border. In March 2013, indigenous leader Sabino Romero, who had sought greater land rights for the Yukpa indigenous group, was killed in Zulia State. Afro-Venezuelans also remain marginalized and underrepresented among the country's political and economic elite. Although discrimination based on sexual orientation is barred, LGBT (lesbian, gay, bisexual, and transgender) Venezuelans face de facto discrimination similar to the situation in much of Latin America, and are occasionally subjected to violence.

#### **G. Personal Autonomy and Individual Rights: 8 / 16 (+1)**

Property rights are affected by the government's penchant for price controls and nationalizations. While the pace of nationalizations has declined from previous years—due in part to the state's dominant position in many strategic industries—the government continues to threaten to nationalize businesses deemed to lack commitment to revolutionary goals. Accusations of mismanagement, underinvestment, corruption, and politicized hiring practices within state-owned enterprises and utilities are common, with several large blackouts in 2013 illustrating the problem. The incidence of consumer-goods shortages rose sharply in 2013. The opposition pointed to the perverse effects of price controls and other economic policies, while the government blamed speculators and capitalist conspirators, culminating in the November forced price cuts, arrests, and the enabling law that gave Maduro decree power on economic issues.

Women are guaranteed progressive rights in the 1999 constitution, as well as benefits under a major 2007 law. However, despite some improvements on implementation of these pledges, domestic violence and rape remain common and are rarely punished in practice. Trafficking of women remains inadequately addressed by the authorities. Women are poorly represented in government, with just 17 percent of the seats in the National Assembly, but they hold a number of important offices in the executive branch.

#### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

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